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Attorneys for Defendant Kamal Nath

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

“SIKHS FOR JUSTICE,” et al.,

Plaintiffs,

v.

KAMAL NATH, et al.,

Defendant.


Civ. No. 10-CV-2940 (RWS)

DECLARATION OF GAVIN HURST

Statement of Gavin Hurst

1. My name is Gavin Friedrich Hurst. Prior to my assignment in Washington D.C. I was working as a Special Agent for the U.S. State Department's Bureau of Diplomatic Security in the New York Field Office (NYFO). I have been a Diplomatic Security (DS) Agent for 3 years, and my duties in this position include performing a wide variety of protective, liaison, investigative, procedural and physical security assignments. My recollection in this statement is based on personal knowledge.
2. On April 6, 2010, I was a member of the NYFO Protective Liaison unit providing liaison activities for then-Indian Minister of Road Transport & Highways, Kamal Nath. At approximately 6:00 p.m., Minister Nath was in the Consulate General of India, 3 East 64th Street, New York, NY 10065, speaking at a press conference.
3. At approximately 7:00 p.m., in the course of my duties, I was speaking with a employee of the Indian Consulate on the exterior of the property when I witnessed an employee of the Indian Consulate with a manila envelope in his hands and a woman approaching myself, SA Brian Janik and the employee of the Indian Consulate we were speaking with; all occurring on the exterior of the Consulate. I witnessed the initial Indian Consulate employee hand the envelope to the other Indian Consulate employee who then placed the envelope onto the top of an overflowing trash can outside the consulate. I witnessed the woman and the Indian employee conversing about this envelope while a member of the international media started to film the conversation and attempted to retrieve the envelope from the trash. It was at this time I witnessed the woman retrieve the envelope from the trash. Myself and SA Brian Janik requested the identity of the woman and the contents of the envelope in order to determine if there was a threat posed to the Consulate or those present. The woman declined to identify herself or inform us as to the contents of the envelope. A New York Police Department (NYPD) officer then requested the woman's identification and she complied providing it to the NYPD. At approximately 7:40 p.m. a NYPD Sergeant arrived at which time he interviewed the woman and together they opened the envelope. I witnessed the woman being given back the envelope from the NYPD. The NYPD Sergeant informed myself and SA Brian Janik the envelope contained legal documents with no threat or hazardous substance visible. At approximately 8:00 p.m. the woman approached myself and SA Brian Janik and stated she had spoken with her supervisors, that service had been made and that she, therefore, was leaving. The woman then departed the Consulate area with the envelope. I remained outside the consulate to observe Minister Nath's exit. The woman did not return to the vicinity of the Consulate, and Minister Nath departed the Consulate at approximately 8:20 p.m.
4. On April 7, 2010, at approximately 8:00 a.m., Minister Nath attended a public event that took place inside the building at 1221 Avenue of Americas, New York, NY. Outside the building, approximately 100 demonstrators were present. I observed the same woman, who had brought the envelope to the Consulate area the day before, present in the crowd of demonstrators. Minister Nath's entry and exit from the building was via a side street. I did not observe either she or anyone else attempt to hand him any documents at this event.

I state under penalty of perjury that the foregoing is true and correct. Executed on
06/01/11.



Special Agent Gavin Hurst
U.S. State Department Bureau
Bureau of Diplomatic Security